

### **STATUS OF APPLICATION**

Claims 1, 2, 4-10, 44 and 46-64 are in the case. No claims have been amended. Applicants respectfully request reconsideration of the application in view of the remarks below under each ground of rejection.

### **REMARKS**

#### **1. Brief Summary of the Invention**

In one embodiment of Applicants' invention, a reel device includes a chassis that is configured to support the reel device and a reel structure attached to the chassis. The reel structure has a hub and a frame. The frame defines the periphery of the reel structure. The periphery of the reel structure has media that is configured to display a symbol to the game player. The reel may have a board attached to the chassis and several light emitting diodes positioned on the board. The light emitting diodes have different densities on different portions of the board. The light emitting diodes are adapted to transmit light to at least a portion of the media.

#### **2. Rejection of claims 1, 2, 5-10, 44, 46-57 and 60-64 as being obvious over Sunaga *et al.* (U.S. Patent No. 6,206,781) in view of Haruta (Japanese Patent No. 2001-353255).**

Claims 1, 2, 5-10, 44, 46-57 and 60-64 stand rejected as being obvious under 35 USC §103(a) over Sunaga *et al.* in view of Haruta. Applicants respectfully traverse this rejection based on the discussion presented below.

In rejecting independent claims 1, 44 and 56, the Office acknowledges that "Sunaga *et al.* specifically lacks the plurality of light emitting diodes being more densely spaced in one portion

of the board than in another portion of the board,” but that “... it would have been obvious matter of design choice to select a specific pattern or matrix of diodes to use on the board.” The Office further relies on Haruta teaching “that the matrix of diodes is a design choice by showing that the number of diodes on the board can be any number, such as 5X5 or 9X9, selected by the number of diodes selected by the requirements of the application or the designer.”

The Office further states that Applicants have not “disclosed that having that particular arrangement of diodes (i.e., different densities on the board) solves any stated problem or is for any particular purpose ... no where in the [Applicants’] specification can the Examiner locate any disclosure of why ... (different densities) is an advantage or is for any specific reason over any other different conceivable arrangement, i.e., evenly spaced diodes.” The Office then concludes that the “only benefit ... [of this element of Applicants’ claimed invention] ... is for aesthetics” and “is not regarded as patentably distinct subject matter.”

Applicants respectfully disagree with the Office’s characterization of the claim limitation requiring “more dense spacing of the light emitting diodes in one portion versus another portion of the board” as being only for aesthetics and having no benefit or advantage over any other arrangement. Applicants respectfully direct the Office’s attention to pages 9-10 (¶48-51) of Applicants’ Specification where various advantages and benefits of using variable density LED displays is presented. For example, ¶48 describes specific areas of the board (portions A, B and C) having 3 different levels of spacing density for the LEDs. In ¶49, several advantages are indicated as follows:

- (1) “... increased LED density may allow for brighter displays ...”
- (2) “... higher LED densities may allow for more detailed displays to be presented ...”
- (3) “... combining regions of higher and lower LED density, a variety of display options are available ...”

(4) “... because of the great variety of options ...densities ... visual effects or presentations may be conducted in a smooth and visually appealing manner ...”

In ¶50 (page 10), the advantage of LEDs operating with less radiant heat than fluorescent or incandescent light systems is summarized, thereby providing another benefit of being able to provide “...visual effects or presentations ... conducted in a smooth and visually appealing manner ... [from ¶49]” using less power and energy than other light sources with variably arranged light densities.

In ¶51 (page 10), the combination of using multiple wave lengths along with the variable density feature (“... LED density can be configured without regard to color ...”) is presented to overcome the disadvantage of “... crowding the surface (of the board) and limiting the brightness of any one color ...”

Applicants respectfully submit that the Office has overlooked the aforementioned benefits and advantages of the claimed limitation and that this limitation is based on several functions and advantages as presented in Applicants’ Specification (pp 9-10) and summarized above. Therefore, Applicants submit that it would not have been obvious to one of ordinary skill in the art to modify Sunaga *et al.* based on the teachings of Haruta to arrive at Applicants’ claimed invention. There is no teaching or suggestion in either Sunaga *et al.* or Haruta regarding more dense spacing of the light emitting diodes in one portion versus another portion of the board; the different matrix sizes referred to in Haruta simply disclose different numbers of individual LEDs to generate alphabetic characters or graphic forms and no suggestion or disclosure of relative density differences is made.

The Office cites MPEP 2144.04 regarding Aesthetic Design Changes; however, Applicants respectfully submit that the limitation involving “more dense spacing of the light

emitting diodes in one portion versus another portion of the board” provides specific functions and benefits (previously summarized) and does not fall into the category of mere ornamentation, as would be required by the application of MPEP 2144.04 as a basis for the rejection.

Applicants submit that the use of variable density light emitting diodes in conjunction with a rotating reel and media is not an obvious design choice and that claims 1, 44 and 56 (and related dependent claims) are allowable over the cited references. Applicants, therefore, respectfully request withdrawal of the rejection under 35 USC §103(a).

**3. Rejection of claim 4 as being obvious over Sunaga *et al.* (U.S. Patent No. 6,206,781) in view of Haruta (Japanese Patent No. 2001-353255) and further in view of Ikeda *et al.* (Japanese Patent No. 2001-087458).**

Claim 4 stands rejected as being obvious under 35 USC §103(a) over Sunaga *et al.* in view of Haruta and further in view of Ikeda *et al.* Applicants respectfully traverse this rejection based on the discussion presented below.

None of the cited references, either alone or in combination, teach, disclose or suggest as in independent claim 1 (from which claim 4 is dependent) a gaming device that has a reel that is lighted by light emitting diodes that are more densely spaced in one portion of a board than in another portion of the board.

Applicants rely on the previous discussion of Sunaga *et al.* in view of Haruta (Section 2, above) and respectfully request withdrawal of the rejection under 35 USC §103(a).

**4. Rejection of claim 58 and 59 as being obvious over Sunaga *et al.* (U.S. Patent No. 6,206,781) in view of Haruta (Japanese Patent No. 2001-353255) and further in view of Ugawa (U.S. Patent No. 5,509,655).**

Claims 58 and 59 stand rejected as being obvious under 35 USC §103(a) over Sunaga *et al.* in view of Haruta and further in view of Ugawa. Applicants respectfully traverse this rejection based on the discussion presented below.

None of the cited references, either alone or in combination, teach, disclose or suggest as in independent claim 56 (from which claims 58 and 59 are dependent) a gaming device that has a reel that is lighted by a first portion of lights that have a first density and a second portion of lights that have a second density.

Applicants rely on the previous discussion of Sunaga *et al.* in view of Haruta (Section 2, above) and respectfully request withdrawal of the rejection under 35 USC §103(a).

**Conclusion**

For all of the above reasons, the Applicants submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or amendment, the Examiner is encouraged to call the Applicants' attorney, Ian F. Burns, at (775) 826-6160.

Respectfully Submitted,

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